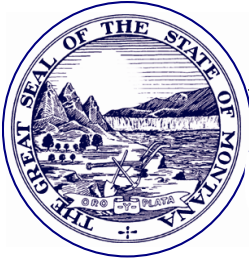


OFFICE OF THE STATE PUBLIC DEFENDER



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October 18, 2013

TO: Montana Public Defender Commission

FROM: Eric Olson, Training Coordinator

RE: Training Report (6/1/2013 – 10/18/2013)

OPD Support Staff Annual Conference:

Date: April 17-18, 2013
Training Site: Fairmont Hot Springs, MT
Principal instructor/trainer: Various
CLE credits certified: N/A
OPD personnel in attendance: 67

OPD 2013 Legislative Update Training: Posted and available to members of the OPD Brief Bank.

Date: June 7, 2013
Training Site: OPD Brief Bank
Principal instructor/trainer: Eric Olson / Ed Sheehy
CLE credits certified: 1.0
OPD attorneys in attendance: OPD attorneys statewide via access to OPDBB
Others in attendance: Contract attorneys with access to OPDBB

OPD Appellate Writing Workshop:

Date: July 8-9, 2013
Training Site: Holiday Inn, Helena Montana
Principal instructor/trainer: Sarah Thomas
CLE credits certified: approx. 15.0 hours
OPD attorneys in attendance: All attorneys from ADO staff
Others in attendance: 4 contract attorneys

Note: Sarah Thomas traveled to Helena and assisted Montana Chief Appellate Defender Wade Zolynski with this training. Sarah is the Chief Appellate Defender for the State of Idaho. She is also a nationally recognized instructor in appellate practice and a faculty member at the National Legal Aid and Defender Association's annual appellate advocacy workshop. The training agenda was constructed with the national appellate writing training model.

OPD Post Conviction Practice Workshop:

Date: July 9, 2013

Training Site: Holiday Inn, Helena

Principal instructor/trainers: OPD Conflict Coordinator Kristina Neal, assisted by Melissa Hartigan (Pro Se Clerk at the United State District Court)

CLE credits certified: 4.0 hours

OPD attorneys in attendance: 15 attorneys

Note: This was a comprehensive training for all attorneys who handle post conviction matters for the OPD.

OPD Civil Commitment Practice (DI) Training Conference

Date: July 21-22

Training Site: Fairmont Hot Springs (21st) & Montana State Hospital (22nd)

Principal instructor/trainer: Various, including MSH staff personnel

CLE credits certified: approx 9.0 hours

OPD attorneys in attendance: 28 from across the state

Others in attendance: Personnel from MSH and DPHHS

Note: This two-day training program in mental health commitment law and practice program was presented by OPD in concert with the DPHHS and the Montana State Hospital. The second day of the program took place on the grounds of the Montana State Hospital at Warm Springs. Twenty-eight (28) public defender attorneys attended and completed the program. As part of the program OPD prepared a civil commitment practice survey, distributed the survey to all district court judges, and collected and assimilated input received from those courts.

Montana Youth Court Defender Training

Date: August 8, 2013

Training Site: Holiday Inn, Great Falls

Principal instructor/trainer: Certified JTIP trainers from the National Juvenile Defender Center

CLE credits certified: 7.5 hours

OPD attorneys in attendance: 26 from across the state plus 4 instructors

Note: OPD, assisted by certified JDIP trainers from the Western Region of NJDC offered Montana youth court defenders the opportunity to participate in Phase I of the state-based JDIP program. Twenty six attorneys from around Montana attended and successfully completed the day-long program.

Capital Case Litigation Training Conference, Phase III

Date: August 16-17

Training Site: University of Montana Law School

Principal coordinator/trainer: Attorney Chris Tweeten

CLE credits certified: approx. 10.0 hours

OPD attorneys in attendance: 11 trial and 4 appellate attorneys

Note: Attorneys assigned to the OPD capital defense roster have completed the final, two-day session of the federally funded (DOJ) Northern Rockies Capital Case Litigation Initiative which began during the summer of 2011. This final phase, which involved joint training with prosecutors from around the state of Montana, addressed issues pertaining to case-related communications, discovery, disclosure, A.B.A. standards for capital practice, and professional responsibility. Fifteen OPD capital defenders were in attendance.

OPD Investigator Annual Training Conference

Date: August 28-29

Training Site: Ennis, Montana

Principal instructor/trainer: Supervising investigator Mori Woods

CLE credits certified: N/A

OPD investigators in attendance: All 18 of OPD's criminal investigators

Others in attendance: Instructors

The Montana DN Work Group:

Dates: May 15, September 6, October 11, 2013

Training Sites: Philipsburg (9/6) and Montana Judges Training Conferences

Principal instructor/trainer: Group Coordinator and Nick Aemisegger (OPD)

CLE credits certified: N/A

OPD attorneys in attendance: 5

Others in attendance: 8 other members of the group

Note: Several OPD attorneys sit as members of the collaborative Montana DN Work Group. The Work Group has developed, published, and distributed a statewide Best Practices Manual which is designed to serve as the foundation for a uniform training program to be conducted across the state and offered to every individual who appears in district court in a DN case. The DNWG is chaired by Judy Meadows, former State Law Librarian and Public Information Officer at Montana Supreme Court. OPD members include Nick Aemisegger, Kelli Sather, Lawrence LaFountain and Sheila Newman.

OPD New Attorney Trial Skills Boot Camp:

Date: September 10-12, 2013

Training Site: Lubrecht Forest Conference Center

Principal instructor/trainer: Steven Wells

CLE credits certified: approx. 22.0 hours

OPD attorneys in attendance: 16

Others in attendance: Instructors and volunteers

Note: This trial skills program is conducted on an annual basis and is designed to help newly-hired OPD attorneys develop fundamental trial skills. This year's primary instructor was Steven Wells, an attorney who practices in Anchorage, Alaska. Mr. Wells is a member of the executive board of the National Association of Criminal Defense Lawyers and is a regularly featured instructor at NACDL national training events. Six experienced trial lawyers from OPD assisted with program instruction:

Wade Zolynski (Chief Appellate Defender)
Dave Stenerson (Regional Deputy Public Defender, Region 2)
Peter Ohman (Regional Deputy Public Defender, Region 8)
Doug Day (Regional Deputy Public Defender, Region 7)
James Siegman (Staff Attorney, Billings OPD)
Ed Sheehy (Staff Attorney, Central Office, OPD)

Participating attorneys received an opportunity to engage in intensive and individualized courtroom trial instruction. The program focused on voir dire of a full jury panel and on cross examination of eye-witnesses in a false identification case. OPD solicited and received considerable volunteer assistance from students in 11th and 12th grade government class at Hellgate High School, from several students at the University of Montana Law School, and from community volunteers. OPD support staff members Virginia Custis, Nancy Paul, and Marsha Parr, along with ADO attorney Greg Hood also assisted with the voir dire and witness examination exercises.

8th Annual OPD Statewide Training Conference (Attorneys):

Training event: Annual Training Conference
Date: October 9-10
Training Site: Doubletree Inn Conference Center, Missoula
Principal instructor/trainer: Various
CLE credits certified: approx 12.5 hours, including 2.0 Ethics hours
OPD attorneys in attendance: 211 attorneys participated

Note: The 2013 annual conference offered training on a variety of topics relevant to indigent legal practice.

Cultural communication:

Training event: Provided as part of annual conference agenda
Date: October 10
Training Site: Doubletree Inn, Missoula
Principal instructor/trainer: N.C.B.I.
CLE credits certified: 1.5 hours CLE (included in the annual conference total)
OPD attorneys in attendance: This was a general session at the annual conference

Note: With the continuing assistance of facilitators from the National Coalition Building Institute (NCBI) in Missoula, OPD continued its commitment to providing staff and contract attorneys with training in cultural communications and sensitivity.